

REMARKS/ARGUMENTS

Prior to entry of this amendment, claims 1, 2 and 4-25 were pending. Claim 12 is canceled herein. Claims 8 and 11 are indicated as allowable if rewritten in independent form. 3/09/09 Office Action, pp 11-12, ¶¶ 9-10. To place the application in condition for allowance, claim 1 has been amended to incorporate the subject matter of allowable claim 11 and allowable claim 8 has been rewritten as new claim 26 in independent form.

Applicants reserve the right to pursue the pre-amended claims in a future continuation application and respectfully submit that this particular application is now in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2/1, 7/1, 9/1, 10/1, 12/10/1, 13/2/1, 14/11/1, 15/12/1, 17/15/1, 18/15/1, 19/15/1, 20/15/1, 21/1, 22/1, 23/1, 24/1 and 25/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/01646 A2 (“Thorp”) in view of Ackley U.S. Patent No. 5,728,532 (“Ackley”), Anderson et al. U.S. Patent No. 5,922,591 (“Anderson”), Besemer et al. U.S. Patent No. 5,945,334 (“Besemer”) and Napier “Modification of Electrodes with Dicarboxylate Self-Assembled Monolayers for Attachment and Detection of Nucleic Acids,” *Langmuir* 13:6342-6344 (1997) (“Napier”). Applicants submit that the rejection is moot in view of the claim amendments. Applicants request the Examiner to withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 112

The Examiner states that claim 1 recites the limitation “said detection electrodes” in 10 and that there is insufficient antecedent basis for this limitation in the claim. Applicants submit that the rejection is moot in view of the claim amendments. Applicants request the Examiner to withdraw the rejection.

Allowable Subject Matter

The Examiner states that claims 8, 2/8, 4/8, 5/8, 6/5/8, 7/8, 9/8, 10/8, 11, 12, 13/2/8, 14/11/8, 15/12/10/8, 16/15/12/10/8 and 25/8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicants appreciate the indication of allowable subject matter. Applicants have amended the claims as requested by the Examiner and as such, believe that all claims are allowable.

Information Disclosure Statement

The Examiner states that Applicants are requested to provide copies of the following references listed on the Information Disclosure received on December 9, 2008: B8, B10, B11, B19, B24, B32-36, B41, B42, B44-B50, C13, C15, C18, C23, C39, C40, C44, C48, C54, C55, C60, C61, C68, C69, C73, C90, C91, C98, C104-106, C117, C118, C121, C122, C136, C139, C141, C143, C145-148, C153, C156, C159, C164 AND C167.

A number of the above-listed references were provided with our December 5, 2008 Response. However, under separate cover, Applicants are resubmitting them for the Examiner's convenience.

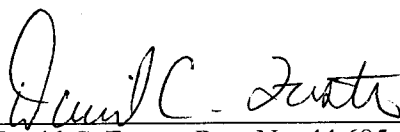
CONCLUSION

Applicants believe the claims are in condition for allowance. Early notification thereof is respectfully requested. If the Examiner has any questions, he is invited to call the undersigned at 414.442.1216.

Respectfully submitted,

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